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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,305	12/19/2000	Yves Le Gendre	Q62357	3328

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EXAMINER

GARY, ERIKA A

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/739,305

Applicant(s)

LE GENDRE ET AL.

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Objections***

1. Claim 1 is objected to because of the following informalities: on line 8, "provide the information" should be "provide information". Appropriate correction is required:

Claim 7 is objected to because of the following informalities: on line 3, "agent for configured" should be "agent configured". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming, III, US Patent Number 6,697,484 (hereinafter Fleming) in view of DeFazio et al., US Patent Number 5,940,484 (hereinafter DeFazio).

Regarding claims 1 and 7, Fleming discloses a method (and apparatus) for obtaining information regarding an identity of a caller in a terminal of a telephone communications network, wherein the terminal comprises an agent including a program or an application which is stored and activated on the terminal, the method comprising: receiving at the terminal an incoming call from a caller and a telephone number of the caller; selecting at the agent of the terminal at least one external server likely to be able to provide the information regarding the identity of the caller; preparing at the agent of

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the terminal a request indicating the telephone number of the caller and requesting the information regarding the identity of the caller; and sending from the agent of the terminal the request to the server [fig. 3; col. 5: lines 12-17].

What Fleming does not specifically disclose is that the agent of the terminal selects from among a plurality of external servers. However, DeFazio teaches this limitation. DeFazio discloses caller identification services providing a number of databases (external servers), as one of the databases may not contain the needed information [col. 7: lines 17-26].

Fleming and DeFazio are combinable because they are from the same field of endeavor, that is, providing caller data to a called party. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Fleming to include DeFazio. The motivation for this combination as suggested by DeFazio, would have been to provide a selection of external servers in case one server cannot fulfill the request to identify the caller [col. 7: lines 17-26].

Regarding claims 2 and 8, DeFazio discloses the agent receiving a response to the request from the server; or if a response is not received at the agent, or if the response is not satisfactory, the agent selecting another server likely to be able to provide said information on the identity of the caller, preparing at the agent another request indicating the telephone number of the caller and requesting the information regarding the identity of the caller, and sending from the agent the other request to the other server [col. 7: lines 17-23].

Regarding claim 3 and 9, DeFazio discloses receiving the response or selecting another server, preparing another request, and sending the other request to the other server are repeated if the response to the other request is not received at the agent or if the response to the other request is not satisfactory [col. 7: lines 17-23].

Regarding claims 4 and 10, DeFazio discloses the step of selecting at the agent at least one external server likely to be able to provide said information on the identity of the caller is performed by searching a request file [col. 7: lines 17-23].

Regarding claims 5 and 11, DeFazio discloses the terminal has a data channel and wherein the request is sent on the data channel [col. 8: lines 6-7].

Regarding claims 6 and 12, Fleming discloses the terminal is a mobile terminal [fig. 1: ref. 30; fig. 2; col. 3: line 38].

Regarding claim 13, DeFazio discloses the terminal is a fixed terminal connected to the telephone network [fig. 2].

Regarding claim 14, DeFazio discloses the terminal is a fixed terminal having access to the Internet [col. 7: line 67 – col. 3: line 2].

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
May 2, 2005

  
ERIKA A. GARY  
PRIMARY EXAMINER